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			EXAMINER AGGARWAL, YOGESH K	
			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,624

Applicant(s)

FUJIMURA, TADASHI

Examiner

Yogesh K. Aggarwal

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1,2, 4-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 11, 12 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (US Patent # 6,967,675).

[Claims 1 and 11]

Ito et al. teaches an image data processing device (figure 1, digital camera), comprising: a processing device (thumbnail create 18) that acquires basic image data, and generates simplified image data corresponding to said basic image data that has been acquired, a size of said simplified image data being smaller than that of said basic image data (col. 4 lines 54-61); a transmission device (communication circuit 36) that transmits at least said basic image data to an external storage device after the processing device has generated the simplified image data (col. 6 lines 1-22); an internal storage device (SDRAM 24); and a control device (CPU 32) that controls said processing device (18), said transmission device (36) and said internal storage device (24, col. 4 lines 31-39), and causes said internal storage device to store said basic image data and said simplified image data (col. 4 lines 50-61) and deleting said basic image from the

Art Unit: 2622

internal storage device without deleting the simplified image data from the internal storage device after said transmission device has transmitted said basic image data to said external storage device (col. 10 lines 10-31, figure 6, also see col. 8 lines 51-62, figure 4).

[Claim 12]

Ito teaches photographing motion images (col. 5 lines 28-67), which is read as continuous photography and figure 1 disclose a CPU 32 for controlling continuous photography, memory 24 and 34 that stores the images, a transmitter 36 and a delete function as taught in col. 6 lines 18-22.

[Claim 22]

Method claim 22 corresponds to apparatus claim 1 and is therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 1.

[Claims 23-25]

Computer program storing claims 23-25 correspond to apparatus claim 1 and are therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Patent # 6,967,675).

Art Unit: 2622

[Claim 4]

Ito teaches the limitations of claims 1 and 11 but fails to teach wherein the transmission device transmits via radio. However Official Notice is taken of the fact that it is notoriously common to have a transmission device transmit to an external device (like a PC) via radio if an external memory (IC card) is not mounted in order to not miss a photographic chance and to store the images. Therefore taking the combined teachings of Ito and Official Notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a transmission device transmit to an external device (like a PC) via radio if an external memory (IC card) is not mounted in order to not miss a photographic chance and to store the images.

[Claim 9]

Ito fails to teach an actuation member is actuated while said signal transmission device is transmitting said basic image data to the external storage device, said power supply control device turns off said supply of power to the image data processing device after said signal transmission device has completed transmitting of said basic image data.

However Official Notice is taken of the fact that it is well known in the art to have an actuation member that if actuated while said signal transmission device is transmitting said basic image data to the external storage device, said power supply control device turns off said supply of power to the image data processing device after said signal transmission device has completed transmitting of said basic image data in order to have an uninterrupted transmission.

Therefore taking the combined teachings of Ito and Official notice it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an actuation member that if actuated while said signal transmission device is transmitting said basic image

Art Unit: 2622

data to the external storage device, said power supply control device turns off said supply of power to the image data processing device after said signal transmission device has completed transmitting of said basic image data in order to have an uninterrupted transmission of the image if the power supply is accidentally turned off.

6. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Patent # 6,967,675) in view of Anderson (US Patent # 6,532,039).

[Claims 17, 19]

Ito teaches the limitations of claims 1 and 11 but fails to teach that the simplified image data is not transmitted to the external device. However Anderson teaches a memory map showing DRAM 346 (which clearly is an internal memory) that includes RAM disk 532, a system area 534 and working memory 530 (col. 4 line 66-col. 5 line 3, figures 3 and 4). Anderson further teaches that thumbnail images 606 (simplified image) are stored in a working memory 530 that is an internal memory as clearly shown in figure 3 (col. 6 lines 30-32).

Therefore taking the combined teachings of Ito and Anderson, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the simplified image data stored in a working internal memory and not transmitted to the external device in order to use the external memory for basic images only and thereby save on the memory space.

7. Claims 2, 5-8, 13-16, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Patent # 6,967,675) in view of Tomat et al. (US Patent # 6,784,925).

[Claim 2]

Art Unit: 2622

Ito teaches the recited limitations of claim 1 but fails to teach an identifying information generation device that generates identifying information for individually identifying correspondence between said basic image data and said simplified image data, wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device, an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the external device.

However Tomat et al. teaches an identifying information generation device (figure 1, camera 14) that generates identifying information (figure 23, element 212) for individually identifying correspondence between said basic image data (thumbnail images identify corresponding image files) and said simplified image data (thumbnail shown in the viewing area 192, figure 22), wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device (col. 14 line 54-col. 15 line 39, figures 22 and 23). It would be inherent that the camera 14 has an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the PC.

Therefore taking the combined teachings of Ito and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an identifying information generation device that generates identifying information for individually identifying correspondence between said basic image data and said simplified image data, wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device, an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the external device as

Art Unit: 2622

taught by Tomat in order to easily identify, transmit and store the images in an external storage device after they are transmitted from a camera.

[Claim 5]

Tomat discloses displaying multiple thumbnail images (col. 15 lines 27-29). Therefore it would be inherent that the basic image data acquisition device, the simplified image data generation device, the transmission device, and the internal storage device perform processing for a plurality of sets of basic image data in the camera device 14, a command generation device that generates a delete command (figure 28, command 250 under the warning box) for deletion of simplified image data and basic image data corresponding to a simplified image which is selected by said selection device is provided and said signal transmission device transmits identifying information and a delete command corresponding to the simplified image that has been selected, to the external storage device (col. 17 lines 45-58). Official Notice is taken of a selection device that selects a single simplified image from said plurality of simplified images which have been displayed upon said display device is provided. Therefore taking the combined teachings of Ito, Tomat and Official notice it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a selection device that selects a single simplified image from said plurality of simplified images which have been displayed upon said display device is provided in order to easily select an image by the user.

[Claim 6]

Tomat teaches a protect command for preventing deletion (figure 28, command 252) of simplified image data and basic image data corresponding to a simplified image that is selected by said selection device; and said signal transmission device transmits identifying information

Art Unit: 2622

and a protect command corresponding to the simplified image that has been selected, to the external storage device (col. 17 lines 54-58).

[Claim 7]

Tomat discloses a box 256 in figure 28 which if unchecked will not warn before deleting and therefore reads on a command generation device that generates a protection cancel command for canceling prevention of deletion of simplified image data and basic image data corresponding to a simplified image that is selected by said selection device and said signal transmission device transmits identifying information and a protection cancel command corresponding to the simplified image that has been selected, to said external storage device.

[Claim 8]

Tomat et al. discloses an acquired icon 224 that indicates that the thumbnail images have been downloaded from camera 14 (col. 15 lines 66-67, figure 24).

[Claim 13]

Ito fails to teach a display device that displays a plurality of simplified images corresponding to said plurality of sets of simplified image data and when said signal transmission device is transmitting a set of basic image data, said display device controls display of said plurality of simplified images so as to be able to identify a simplified image that corresponds to the set of basic image data which is being transmitted.

However Tomat et al. teaches a selection device that selects a single simplified image from plurality of simplified images which have been displayed upon said display device is provided (col. 17 lines 20-32, figure 26) and an acquired icon 224 that indicates that the

Art Unit: 2622

thumbnail images have been downloaded from camera 14 (col. 15 lines 66-67, figure 24) in order to identify the thumbnail images easily to the user.

Therefore taking the combined teachings of Ito and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have selected a single simplified image from plurality of simplified images which have been displayed upon said display device is provided and an acquired icon 224 that identifies that the thumbnail images have been downloaded from camera 14 after they have been transmitted in order to identify the thumbnail images that have been transmitted easily to the user.

[Claim 14]

Claim 14 corresponds to claim 1 except an image storage device that is provided in said external storage device and stores at least said basic image data, which has been transmitted from said image data processing device.

However Tomat teaches that acquired icon 224 indicating that a photo-group 5 comprising thumbnail images has been downloaded from camera 14 (memory 36 inside the camera) to another storage device (PC) or that its full-resolution image file has been inserted into an application (col. 15 line 66- col. 16 line 10, figure 24).

Therefore taking the combined teachings of Ito and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an image storage device that is provided in said external storage device and stores at least said basic image data which has been transmitted from said image data processing device in order to utilize the memory space in the image processing device efficiently.

[Claim 15]

Art Unit: 2622

Claim 15 corresponds to claim 2 except an image storage device of said external storage device stores at least said basic image data which has been transmitted from said image data processing device. Tomat et al. teaches an identifying information generation device (figure 1, camera 14) that generates identifying information (figure 23, element 212) for individually identifying correspondence between said basic image data (thumbnail images identify corresponding image files) and said simplified image data (thumbnail shown in the viewing area 192, figure 22), wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device (col. 14 line 54-col. 15 line 39, figures 22 and 23). It would be inherent that the camera 14 has an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the PC.

[Claims 16, 18, 20]

Ito fails to teach the transmission of simplified image data corresponding to the basic image data.

However Tomat et al. teaches that acquired icon 224 indicating that photo-group 5 comprising thumbnail images has been downloaded from camera 14 (memory 36 inside the camera) to another storage device (PC) or that its full-resolution image file has been inserted into an application (col. 15 line 66- col. 16 line 10, figure 24).

Therefore taking the combined teachings of Ito and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an image storage device that is provided in said external storage device and stores at least said basic image data which has been transmitted from said image data processing device in order to utilize the memory space in the image processing device efficiently.

[Claim 21]

Art Unit: 2622

See claims 17 and 19.

8. Claims 10, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Patent # 6,967,675) in view of Yamaguchi et al. (US Patent # 6,400,392).

[Claim 10]

Ito teaches all the recited limitations of claim 1. Ito fails to teach wherein said display device performs control so as to lower a brightness of display image, when said signal transmission device is transmitting said basic image data to the external storage device.

However Yamaguchi teaches that display brightness of part of the window during transmission is reduced in order to easily grasp the overall atmosphere of the transmission (col. 15 line 66- col. 16 line 3).

Therefore taking the combined teachings of Ito and Yamaguchi et al. it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a display device performs control so as to lower a brightness of display image in order to easily grasp the overall atmosphere of the transmission.

[Claim 26]

Method claim 26 corresponds to apparatus claim 10 and is therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 10.

[Claim 27]

Computer program storing claim 27 correspond to apparatus claim 10 and is therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 10.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US Patent # 6,967,675) in view of Ota et al. (US Patent # 6,785,013).

Art Unit: 2622

[Claim 28]

Ito teaches as discussed in claim 1 wherein the control device controls the internal storage device to delete the basic image data from the internal storage device after the basic image data has been transmitted but fails to teach that the erasure is performed after a receipt completed signal has been received from the external storage device.

However Ota et al. teaches when the file transfer process (FTR) that provides the image data to the server 30 from a peripheral unit 10 is completed, the JOB process 25 receives a “job end” signal from the FTR process 29, and the job process 25 then deletes the “job-ID” that saves the image data directory for the transferred video image data (col. 5 lines 44-col. 6 line 3, col. 7 lines 41-47, col. 8 lines 5-8, figures 1-3).

Therefore taking the combined teachings of Ito and Ota, it would be obvious to one skilled in the art to have been motivated to have the erasure be performed after a receipt completed signal has been received from the external storage device in order to make sure that the data has been received at the receiving terminal before erasing it thereby avoiding the possibility of accidentally erasing the data.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2622


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
October 29, 2006



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